



House of Representatives

General Assembly

File No. 467

January Session, 2015

House Bill No. 6794

House of Representatives, April 7, 2015

The Committee on Public Health reported through REP. RITTER of the 1st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS REGARDING MASSAGE THERAPIST
QUALIFICATIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-206b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) No person shall engage in the practice of massage therapy unless
4 the person has obtained a license from the department pursuant to this
5 section. Each person seeking licensure as a massage therapist shall
6 make application on forms prescribed by the department, pay an
7 application fee of three hundred seventy-five dollars and present to the
8 department satisfactory evidence that the applicant: (1) Has graduated
9 from a school of massage therapy offering a course of study of not less
10 than five hundred classroom hours, with the instructor present, that, at
11 the time of the applicant's graduation, had a current school code
12 assigned by the National Certification Board for Therapeutic Massage
13 and Bodywork and was either (A) accredited by an agency recognized

14 by the United States Department of Education or by a state board of
15 postsecondary technical trade and business schools, or (B) accredited
16 by the Commission on Massage Therapy Accreditation, and (2) has
17 passed [the National Certification Examination for Therapeutic
18 Massage and Bodywork. Passing scores on the examination shall be]
19 an examination prescribed by the department. The National
20 Certification Board for Therapeutic Massage and Bodywork's national
21 examination for state licensing option shall not satisfy the examination
22 requirements for a person seeking licensure pursuant to this section.

23 (b) Licenses shall be renewed once every two years in accordance
24 with the provisions of section 19a-88. The fee for renewal shall be two
25 hundred fifty dollars. No license shall be issued under this section to
26 any applicant against whom professional disciplinary action is
27 pending or who is the subject of an unresolved complaint in this or any
28 other state or jurisdiction. Any certificate granted by the department
29 prior to June 1, 1993, shall be deemed a valid license permitting
30 continuance of profession subject to the provisions of this chapter.

31 (c) (1) Notwithstanding the provisions of subsection (a) of this
32 section, the department may issue a license to an applicant whose
33 school of massage therapy does not satisfy the requirement of
34 subparagraph (A) or (B) of subdivision (1) of said subsection (a),
35 provided the school held, at the time of the applicant's graduation, a
36 certificate issued by the Commissioner of Education pursuant to
37 section 10-7b and provided the applicant graduated within thirty-three
38 months of the date such school first offered the curriculum completed
39 by the applicant. No license shall be issued under this subsection to a
40 graduate of a school that fails to apply for and obtain accreditation by
41 (A) an accrediting agency recognized by the United States Department
42 of Education, or (B) the Commission on Massage Therapy
43 Accreditation within thirty-three months of the date such school first
44 offered the curriculum.

45 (2) Notwithstanding the provisions of subsection (a) of this section
46 and subdivision (1) of this subsection, the department may issue a

47 license to an applicant who submits evidence satisfactory to the
48 commissioner that the applicant (A) was enrolled, on or before July 1,
49 2005, in a school of massage therapy that was approved or accredited
50 by a state board of postsecondary technical trade and business schools
51 or a state agency recognized as such state's board of postsecondary
52 technical trade and business schools, (B) graduated from a school of
53 massage therapy with a course of study of not less than five hundred
54 classroom hours, with the instructor present, that at the time of the
55 applicant's graduation was approved or accredited by a state board of
56 postsecondary technical trade and business schools or a state agency
57 recognized as such state's board of postsecondary technical trade and
58 business schools, and (C) has passed [the National Certification
59 Examination for Therapeutic Massage and Bodywork. Passing scores
60 on the examination shall be] an examination prescribed by the
61 department.

62 (d) Each person licensed pursuant to this section has an affirmative
63 duty to make a written referral to a licensed healing arts practitioner,
64 as defined in section 20-1, of any client who has any physical or
65 medical condition that would constitute a contraindication for massage
66 therapy or that may require evaluation or treatment beyond the scope
67 of massage therapy.

68 (e) No person shall use the title "massage therapist", "licensed
69 massage therapist", "massage practitioner", "massagist", "masseur" or
70 "masseuse", unless the person holds a license issued in accordance
71 with this section or other applicable law.

72 (f) Notwithstanding the provisions of subsection (a) of this section,
73 the commissioner may issue a license to an out-of-state applicant who
74 submits evidence satisfactory to the commissioner of either: (1) (A) A
75 current license to practice therapeutic massage from another state or
76 jurisdiction, (B) documentation of practice for at least one year
77 immediately preceding application, and (C) successful completion of
78 the [National Certification Examination for Therapeutic Massage and
79 Bodywork] examination prescribed pursuant to subsection (a) of this

80 section; or (2) (A) graduation from a school of massage therapy
81 offering a course of study of not less than five hundred classroom
82 hours, with the instructor present, and, at the time of the applicant's
83 graduation, was either (i) accredited by an agency recognized by the
84 United States Department of Education or by a state board of
85 postsecondary technical trade and business schools, or (ii) accredited
86 by the Commission on Massage Therapy Accreditation, and (B)
87 successful completion of the [National Certification Examination for
88 Therapeutic Massage and Bodywork] examination prescribed
89 pursuant to subsection (a) of this section.

90 (g) Any person who violates the provisions of subsection (a) or (e) of
91 this section shall be guilty of a class C misdemeanor.

92 (h) Any employer who knowingly and wilfully employs a person
93 who is in violation of the provisions of subsection (a) or (e) of this
94 section to engage in massage therapy shall be guilty of a class C
95 misdemeanor.

96 Sec. 2. Subsection (b) of section 20-206h of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective from*
98 *passage*):

99 (b) If the commissioner has cause to believe, based upon credible
100 information or complaint, that any person has violated the provisions
101 of section 20-206b, as amended by this act, 20-206d or 20-206g, the
102 commissioner may, not later than thirty days after receiving such
103 information or complaint, begin a formal investigation of the alleged
104 violation. In the course of such formal investigation, the commissioner
105 may inquire as to whether a person under investigation obtained a
106 license from the department legally by comparing the photograph on
107 such person's identification with a photograph of such person obtained
108 from the [National Certification Board for Therapeutic Massage and
109 Bodywork or from a company contracted by said board to administer
110 massage exams] organization that administered the examination
111 prescribed by the department pursuant to section 20-206b, as amended
112 by this act. Photographs that do not match shall constitute prima facie

113 evidence that such person is engaging in the practice of massage
114 therapy without a license in violation of section 20-206b, as amended
115 by this act. For purposes of this subsection, "identification" means a
116 motor vehicle operator's license issued pursuant to section 14-36 or any
117 other valid form of identification issued by the federal government or
118 a state or municipal government, provided such identification includes
119 a photograph.

This act shall take effect as follows and shall amend the following sections:

| | | |
|-----------|---------------------|------------|
| Section 1 | <i>from passage</i> | 20-206b |
| Sec. 2 | <i>from passage</i> | 20-206h(b) |

PH *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which updates qualifications for the licensing of massage therapists, is technical and has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 6794*****AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S
RECOMMENDATIONS REGARDING MASSAGE THERAPIST
QUALIFICATIONS.*****SUMMARY:**

This bill requires an applicant for a massage therapist license to successfully complete an examination prescribed by the Department of Public Health (DPH). Current law requires such applicants to successfully complete the National Certification Examination for Therapeutic Massage and Bodywork. (But this examination will no longer be offered after March 31, 2015, thus affecting DPH's ability to issue new licenses after this date.)

Existing law also requires licensure applicants to graduate from an accredited massage therapy school that (1) required at least 500 hours of classroom instruction with the instructor present and (2) had a current school code assigned by the National Certification Board for Therapeutic Massage and Bodywork.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 27 Nay 0 (03/23/2015)